

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10

11 KERN RIDGE GROWERS, LLC,

12 Plaintiff,

13 v.

14 INTERNATIONAL JUICE
15 CONCENTRATES, INC. and CARLOS
16 ORTIZ,

Defendants.

Case No. 2:12-cv-05248-ODW(JEMx)

**ORDER DENYING EX PARTE
APPLICATION FOR ORDER TO
SERVE BY PUBLICATION [12]**

17 The Court has before it Plaintiff's ex parte application requesting permission to
18 serve Defendant Carlos Ortiz by publication. (ECF No. 12.) Plaintiff's application
19 does not contain sufficient factual support to satisfy the Court that all reasonable
20 diligence has been employed in attempted to serve Ortiz. *See* Cal. Code Civ. Proc.
21 § 415.50(a). For example, Plaintiff fails to explain how its process server ascertained
22 the addresses listed in Exhibit 2 of Bart Botta's declaration. And while Plaintiff
23 contends it "has investigated all of the likely sources of information that must be
24 searched before resorting to publication," Plaintiff only supports this assertion with a
25 vague, apparently non-exhaustive list of such sources. (Appl. 3.) This is flatly

26 ///


27 ///

28 ///

1 insufficient to warrant the drastic measure of service by publication. Plaintiff's ex
2 parte application is therefore **DENIED**.

3
4 **IT IS SO ORDERED.**

5
6 January 4, 2013

7
8 

9
10 **OTIS D. WRIGHT, II**
11 **UNITED STATES DISTRICT JUDGE**
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28